



Reprinted
February 3, 2004

SENATE BILL No. 367

DIGEST OF SB 367 (Updated February 2, 2004 6:07 pm - DI 71)

Citations Affected: IC 9-24; IC 20-8.1.

Synopsis: Compulsory school attendance. Establishes the conditions under which a student who is at least 16 years of age, but less than 18 years of age, may withdraw from school. Provides that a student who has stopped attending school (but has not formally withdrawn) may be denied a driver's license or learner's permit, or may have the license or permit revoked. Sets forth reasons for which a student may be denied an employment certificate. Repeals a provision allowing a child who is at least 14 years of age, but less than 16 years of age, to withdraw from school to work if the child's parent consents to the withdrawal.

Effective: July 1, 2004.

Kenley

January 12, 2004, read first time and referred to Committee on Education and Career Development.
January 29, 2004, amended, reported favorably — Do Pass.
February 2, 2004, read second time, amended, ordered engrossed.

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SB 367—LS 7254/DI 71+



Reprinted
February 3, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 367

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-24-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A driver's license or a
3 learner's permit may not be issued to an individual less than eighteen
4 (18) years of age who meets any of the following conditions:

- 5 (1) Is a habitual truant under IC 20-8.1-3-17.2.
6 (2) Is under at least a second suspension from school for the
7 school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
8 (3) Is under an expulsion from school under IC 20-8.1-5.1-8,
9 IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

10 (4) Has:

11 (A) withdrawn from school **before graduating** for a reason
12 other than financial hardship **or because it is determined**
13 **under IC 20-8.1-3-17.7 that the individual will not benefit**
14 **by continuing to attend school** and the withdrawal was
15 reported under IC 20-8.1-3-24(a); ~~before graduating; or~~

16 (B) either:

17 (i) failed to return to school at the beginning of a

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semester; or

(ii) stopped attending school during a semester;

and has not participated in an exit interview under IC 20-8.1-3-17.7 and with respect to whom there is no record of transfer to another school.

(b) At least five (5) days before holding an exit interview under ~~IC 20-8.1-3-17(b)(2)~~, IC 20-8.1-3-17.7, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship **or because it is determined that the student will not benefit by continuing to attend school:**

(A) the student and the student's parent or guardian will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

(c) **Upon determining that a student has failed to return to school at the beginning of a semester or has stopped attending school and has not participated in an exit interview under IC 20-8.1-3-17.7, the student's principal shall:**

(1) report the student under IC 20-8.1-3-24(a); and

(2) submit the student's name to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 2. IC 20-8.1-3-17, AS AMENDED BY P.L.291-2001, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until ~~the date on which~~ the individual **meets one (1) of the following conditions, whichever occurs first:**

(1) Graduates.

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(2) ~~reaches~~ **Is less than eighteen (18) years of age but is** at least sixteen (16) years of age ~~but who is less than eighteen (18) years of age~~ and **meets** the requirements under ~~subsection (j) concerning an exit interview are met~~ **section 17.7 of this chapter**, enabling the individual to withdraw from school before graduation. ~~or~~

(3) Reaches at least eighteen (18) years of age.
~~whichever occurs first:~~

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

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(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

(1) the student's parent or guardian;

(2) the student;

(3) each designated appropriate school employee; and

(4) the student's principal.

~~(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

~~(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and~~

~~(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.~~

~~(k)~~ (j) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 3. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 17.7. (a) This section applies to an**

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individual who:

- (1) is at least sixteen (16) years of age but less than eighteen (18) years of age;
- (2) has not completed the requirements for graduation; and
- (3) wishes to withdraw from school before graduation.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) Upon making a determination that the individual will not benefit from continuing in school, the principal of the individual's school consents to the withdrawal.
- (4) The withdrawal is for one (1) of the following reasons:
 - (A) Because of financial hardship, the individual must be employed to support the individual's family or dependents.
 - (B) The individual, the individual's parent, and the principal agree that the individual will not benefit by continuing to attend school.

(c) The following must be in written form:

- (1) A request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the principal of an individual's school does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the school corporation.

(e) A school shall provide an annual report to the department of the following information:

- (1) The total number of individuals:
 - (A) who withdraw from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;
 and for whom there is no record of transfer to another school.
- (2) The number of individuals who withdraw from school for each reason set forth in subsection (b)(4).

SECTION 4. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) **Except as provided in subsection (b)**, upon presentation of the documents required by section 7 of this chapter, an employment certificate shall

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be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

- ~~(1) whose attendance is not in good standing; or~~
- ~~(2) whose academic performance does not meet the school corporation's standard.~~

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.**
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.**
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.**
- (4) Has:**
 - (A) withdrawn from school before graduating for a reason other than financial hardship or because it is determined under IC 20-8.1-3-17.7 that the individual will not benefit by continuing to attend school and the withdrawal was reported under IC 20-8.1-3-24(a); or**
 - (B) either:**
 - (i) failed to return to school at the beginning of a semester; or**
 - (ii) stopped attending school during a semester; and has not participated in an exit interview under IC 20-8.1-3-17.7 and with respect to whom there is no record of transfer to another school.**
- (5) Does not meet the academic performance standards of the school corporation.**

~~(b)~~ **(c)** Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

~~(c)~~ **(d)** A student may appeal the denial of a certificate under subsection ~~(a)~~ **(b)** to the school principal. **A principal may allow a certificate to be issued if the principal determines the issuance is in the best interests of the student.**

SECTION 5. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1, 2004].

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 367, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 9-24-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.
- (4) Has:

(A) withdrawn from school **before graduating** for a reason other than financial hardship and the withdrawal was reported under IC 20-8.1-3-24(a); ~~before graduating; or~~

(B) either:

(i) **failed to return to school at the beginning of a semester; or**

(ii) **stopped attending school during a semester;**

and has not participated in an exit interview under IC 20-8.1-3-17.7 and with respect to whom there is no record of transfer to another school.

(b) At least five (5) days before holding an exit interview under ~~IC 20-8.1-3-17(b)(2)~~, **IC 20-8.1-3-17.7**, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:
 - (A) the student and the student's parent or guardian will receive a copy of the determination; and
 - (B) the student's name will be submitted to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

(c) Upon determining that a student has failed to return to school at the beginning of a semester or has stopped attending

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school and has not participated in an exit interview under IC 20-8.1-3-17.7, the student's principal shall:

- (1) report the student under IC 20-8.1-3-24(a); and
- (2) submit the student's name to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section."

Page 2, delete lines 1 through 8.

Page 2, line 20, strike "the date on which".

Page 2, line 20, delete ":" and insert **"meets one (1) of the following conditions, whichever occurs first:"**.

Page 2, line 21, delete "graduates;" and insert "Graduates."

Page 2, line 22, strike "reaches" and insert **"Is less than eighteen (18) years of age but is"**.

Page 2, line 26, delete ";" and insert ".".

Page 2, line 26, strike "or".

Page 2, line 27, delete "reaches" and insert "Reaches".

Page 2, line 27, delete ";" and insert ".".

Page 2, strike line 28.

Page 4, delete lines 38 through 40, begin a new paragraph and insert:

"(c) The following must be in written form:

- (1) A request to withdraw from school.**
- (2) A parent's consent to a withdrawal.**
- (3) A principal's consent to a withdrawal."**

Page 4, line 41, delete "(c)" and insert "(d)".

Page 5, line 3, delete "(d)" and insert "(e)".

Page 5, delete lines 5 through 6, begin a new line block indented and insert:

"(1) The total number of individuals:

(A) who withdraw from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school."

Page 5, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 4. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) Except as provided in subsection (b), upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may~~

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deny a certificate to a child:

- (1) whose attendance is not in good standing; or
- (2) whose academic performance does not meet the school corporation's standard.

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

(4) Has:

(A) withdrawn from school before graduating for a reason other than financial hardship and the withdrawal was reported under IC 20-8.1-3-24(a); or

(B) either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and has not participated in an exit interview under IC 20-8.1-3-17.7 and with respect to whom there is no record of transfer to another school.

(5) Does not meet the academic performance standards of the school corporation.

~~(b)~~ (c) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

~~(c)~~ (d) A student may appeal the denial of a certificate under subsection ~~(a)~~ (b) to the school principal. **A principal may allow a certificate to be issued if the principal determines the issuance is in the best interests of the student.**

SECTION 5. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1, 2004]."

Delete page 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 367 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 367 be amended to read as follows:

Page 5, line 6, delete "The" and insert **"Upon making a determination that the individual will not benefit from continuing in school, the"**.

(Reference is to SB 367 as printed January 30, 2004.)

KENLEY

SENATE MOTION

Madam President: I move that Senate Bill 367 be amended to read as follows:

Page 1, line 12, after "hardship" insert **"or because it is determined under IC 20-8.1-3-17.7 that the individual will not benefit by continuing to attend school"**.

Page 2, line 11, delete "hardship:" and insert **"hardship or because it is determined that the student will not benefit by continuing to attend school:"**.

Page 5, delete line 30, begin a new line double block indented and insert:

"and for whom there is no record of transfer to another school."

Page 6, line 9, after "hardship" insert **"or because it is determined under IC 20-8.1-3-17.7 that the individual will not benefit by continuing to attend school"**.

Page 6, delete lines 15 through 17, begin a new line double block indented and insert:

"and has not participated in an exit interview under IC 20-8.1-3-17.7 and with respect to whom there is no record of transfer to another school."

(Reference is to SB 367 as printed January 30, 2004.)

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